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OFFICE OF PETITIONS

Attorney's Docket No.: 042390.P13155



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Radek Grzeszczuk, et al.

Serial No.: 10/028,414

Filed: December 21, 2001

For: **SURFACE LIGHT FIELD DECOMPOSITION
USING NON-NEGATIVE FRACTURIZATION**

Examiner: Unknown

Art Group: To Be Determined

**RESPONSE TO DECISION ON PETITION
UNDER 37 C.F.R. §1.137(a)**

Mail Stop Petition
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a request for reconsideration of Applicants' Petition filed January 20, 2004, under 37 C.F.R. §1.137(a), to revive the subject patent application. As indicated in Paper No. 8, Decision on Petition mailed February 25, 2004, the Applicants' original Petition lacked item (3), that is a showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable. Before addressing this shortcoming, it is noted that a copy of a Declaration and Power of Attorney for this patent application was submitted with the Petition papers, where the undersigned is given the power to prosecute this application.

With respect to the delay in filing the Petition and required reply, the undersigned, as an attorney of record, states the following:

I, Farzad E. Amini, Registration No. 42,261, a partner in Blakely, Sokoloff, Taylor & Zafman LLP (the "Firm") am an attorney that is listed for Docket No. 42390.P13155, corresponding to Serial No. 10/028,414, as reflected in our firm's database records. The Notice of Abandonment in this case, mailed November 24, 2003, was stamped received by our office on November 26, 2003. I, as the attorney listed on the docket, received an email on the same day notifying me of the Notice of Abandonment having been received. A request was then made to pull the file to determine the status of the patent application for which the Notice of Abandonment was received. After having determined the status of the file, including the reasons why this application may have gone abandoned, I sent to in-house counsel of the client a communication on December 3, 2003 explaining my next course of action, that is to file a Petition to Revive. The next day, I sent a letter to the inventors requesting their signatures on the Declaration of Inventorship. I then requested that the formal drawings be prepared. The latter were, of course, done to provide the required reply. The signed Declarations were received by the Firm on or about January 9, 2004, while the formal drawings became ready on January 12, 2004. The next day, the required reply was filed together with the Petition to Revive.

Skipping now to on or about March 1, 2004, the subject Decision on Petition was received by the Firm. After going through the usual docket processing, a copy of the Decision was delivered to my desk on or about March 4, 2004. After having reviewed the file history, I prepared this Request for Reconsideration the next day.

Accordingly, the undersigned submits that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition, was unavoidable. The undersigned, in conjunction with in-house counsel, are believed to have acted as reasonable and prudent persons would in relation to their most important business in gathering the required documents and responding to the original Notice of Abandonment and to the Decision on Petition.

The undersigned also thanks the Office of Petitions for providing a courtesy copy of the Notice to File Missing Parts.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: March 9, 2004

By: 

Farzad E. Amini, Reg. No., 42,261

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on March 9, 2004.



Margaux Rodriguez

March 9, 2004